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In the
Supreme Court of the United States

October Term, 1955

No. 404

OFFUTT HOUSING COMPANY, A Corporation,
Petitioner,

vs.

COUNTY OF SARPY and ROBERT M. EBY, TREASURER OF COUNTY OF SARPY, NEBRASKA,
Respondents.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NEBRASKA

BRIEF FOR RESPONDENTS

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INDEX

	Pages
Questions Presented	1
Constitutional Provisions and Statutes Involved	2
Statement	3
Summary of Argument	4
Argument:	
I. The United States does not have exclusive jurisdiction of the land leased	6
A. Part of the land leased was not purchased	6
B. The housing units are not "Forts, Magazines, Arsenals, Dock-yards and Other Needful Buildings"	8
II. Exclusive jurisdiction should not preclude the tax	8
III. Congress has consented to the imposition of the tax	9
A. Specifically in the 1947 Leasing Act	9
B. Impliedly by authorizing the lease	11
C. Impliedly by providing that the acquisition of the property by the Commissioner of the Federal Housing Administration should not render it nontaxable	15
IV. The tax was not imposed on property of the United States	15
A. The office equipment and household appliances are admittedly owned by the petitioner	15
B. The meager interest of the United States in the housing units is not sufficient to	

INDEX—Continued

Pages

prohibit the taxation thereof to their full value 15

V. The United States will not pay the tax if sustained 18

A. The tax is levied against the petitioner 18

B. That indirectly, the net income of government personnel may be lessened by the tax does not condemn it 19

VI. Substantial services of government are furnished to petitioner and its tenants 19

Conclusion 21

Appendix:

1. Act of May 19, 1952, 66 Stat. 79 22
2. Military Leasing Act of August 5, 1947, 61 Stat. 774, 5 U. S. C. Sec. 626 S-3 22
3. Sec. 72-601, R. R. S. 1943 (Neb.) 24
4. Sec. 77-1201, R. R. S. 1943 (Neb.) 24
5. Laws of Nebraska, 1887, Ch. 83 26
6. The Wherry Military Housing Act of August 9, 1949, 63 Stat. 570, 12 U. S. C. Sec. 1748 26

CITATIONS

Cases

Baltimore Shipbuilding & Dry Dock Co. v. City of Baltimore, 195 U. S. 375 (1904) 18

Crook v. Old Point Comfort Hotel Company, 54 Fed. 604 7

Fort Dix Apartments Corporation v. Borough of Wrightstown, 225 F. 2nd 473 (1955) 9

CASES—Continued

Pages

Fort Leavenworth Railroad Company v. Lowe, 114 U. S. 525 (1884) 14, 15

Gay v. Jemison, 52 So. 2nd 137 (Fla. 1951) 7

Meade Heights, Inc. v. State Tax Commissioner, 95 Atl. 2nd 280 (Md. 1953) 9, 16

New Brunswick v. United States, 276 U. S. 547 (1928) 18

Pacific Coast Dairy, Inc. v. Department of Agriculture of California, 318 U. S. 285 (1943) 8

S. R. A. v. Minnesota, 327 U. S. 558 (1946) 12, 18

Sheridanville, Inc. v. Borough of Wrightstown, 125 Fed. Supp. 743 (1954) 15, 17, 19

Surplus Trading Co. v. Cook, 281 U. S. 647 (1930) 9, 11, 20

Tampa Bay Garden Apartments, Inc. v. Gay, 55 So. 2nd 739 (Fla. 1951) 8

Thomas v. Gay, 169 U. S. 264 (1898) 20

United States v. Allegheny County, 322 U. S. 174 (1944) 18

United States v. Unzeuta, 281 U. S. 138 (1930) 7

CONSTITUTION

Article I, Section 8, Clause 17, Constitution of the United States 2, 3, 6, 13

STATUTES

Act of May 19, 1952, 66 Stat. 79, 37 U. S. C. 252 (f) 2, 19, 22

Military Leasing Act of August 5, 1947, 61 Stat. 774, 5 U. S. C. 626 s-3 ..... 2, 9, 22

STATUTES—Continued

	Pages
Nebraska:	
Sec. 72-601, R. R. S. 1943	3, 7, 24
Sec. 77-1201, R. R. S. 1943	2, 15, 24
Laws of Nebraska, 1887, Ch. 83	3, 7, 26
Wherry Military Housing Act of August 8, 1949, 63 Stat. 570, 12 U. S. C. 1748	2, 9, 26

MISCELLANEOUS

95 Congressional Record 9683 ff	17

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ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NEBRASKA

BRIEF FOR RESPONDENTS

QUESTIONS PRESENTED

Respondents in 1952, under the authority of Nebraska law, levied a tangible, personal property tax for state and county governmental purposes against housing units, household appliances and office equipment it claimed were owned by the petitioner. The property taxed was located on land leased by petitioner from the United States.

The questions presented are:

(1) Whether the United States has exclusive jurisdiction of the leased area

(a) Allied to this is the question whether exclusive jurisdiction, if it exists, has the legal effect of precluding the tax here absent consent of congress;

(2) If yes, whether Congress has consented to the local taxation of privately owned personal property located on the leased area;

(3) If privately owned personal property located on the leased area is subject to local taxation, whether the housing units are the property of petioner or whether they are the property of the United States to such an extent that local taxation thereof is prohibited.

Statutes and Constitutional Provisions Involved

The Wherry Military Housing Act of August 8, 1949, 61 Stat. 570, gave no new authority to lease government property. The relevant portions of this Act are set out in the Appendix at p. 26.

The lease here was made under the authority of the Military Leasing Act of August 5, 1947, 61 Stat. 774. Sections 1 and 6 of this Act (Appendix p. 22) show the authorization to lease and consent to taxation provisions.

Article I, Section 8, Clause 17, of the Constitution of the United States is pertinent on the question of exclusive jurisdiction.

In the Act of May 19, 1952, 66 Stat. 79 is a table showing the basic allowance to members of the Armed Services for quarters (Appendix p. 22).

Nebraska statutory provisions involved are the following:

Section 77-1201, R. R. S. 1943 (Appendix p. 24) establishes that the assessment date for personal property in 1952 was March 10.

Section 72-601, R. R. S. 1943 (Appendix p. 24), implements Article I, Section 8, Clause 17 of the Constitution of the United States by consenting generally to the acquisition by the United States of land in Nebraska by purchase.

Laws of Nebraska, 1887, Ch. 83 (Appendix p. 25), specifically cedes jurisdiction of the land in the military reservation of Fort Robinson.

—o—

STATEMENT

The statement of petitioner is accepted by respondent subject to the correction of inaccuracies and omissions as follows:

Whether the leased area is in the exclusive jurisdiction of the United States is one of the questions for decision and cannot be now stated as a fact.

The lease provides that the petitioner and not the government gets the insurance proceeds in case any of the housing units are destroyed by casualty (Ex. 4, R. 141-142; 28).

There is no competent testimony that the rentals for these units are cheaper than the rentals for comparable housing elsewhere (R. 46).

The services that the United States furnishes to the project are furnished on a reimbursable basis (Ex. 4, R. 137-38, 28; Ex. 14, R. 167, 89; Ex. 18, R. 188, 110).

Only taxes for county and state governmental purposes were levied and no city or school district taxes are involved (R. 2).

The military tenants in these housing units receive "an allowance for querters" (R. 58).

The housing units were 78% completed on the assessment date in 1952, March 10 (R. 112).

Petitioner on July 28, 1953, claimed in writing to be the owner of the housing units (Ex. 16, R. 182, 102). Likewise it asserted ownership of the buildings by attempting to mortgage them (Ex. 15, R. 170, 101).

The Federal Housing Administration receives a premium for insuring the mortgage (R. 94).

SUMMARY OF ARGUMENT

I.

For two reasons the respondents contend the United States does not have exclusive jurisdiction of the area in question:

A. Part of the land was donated to the United States. Cession does not operate without consent to acquisition. The State of Nebraska has not consented.

B. The fact that the housing units are for the present occupied by employees of the United States does not make them "Needful Buildings" under Article I, Section 8.

II.

The rule that Federal enclaves are islands within a state and that private personal property thereon ipso

facto is immune from state taxation belongs to an earlier era of rigid adherence to the doctrine of intergovernmental tax immunity.

III.

Any immunity against taxation that results from exclusive jurisdiction has been waived.

A. The Military Leasing Act of 1947 contains a specific congressional consent to the local taxation of the property of petitioner on the leased area.

B. Congress has impliedly waived exclusive jurisdiction by authorizing the 75-year lease of the area.

C. Congress has impliedly waived exclusive jurisdiction by providing that the property is taxable if acquired by the Commissioner of the Federal Housing Administration. The petitioner clearly should not be preferred to the Commissioner.

IV.

The property is not government property.

A. Admittedly the office equipment and household appliances belong to petitioner.

B. The United States has at most a "Paper Title" to the housing units. The units are the property of the petitioner unless form is to control over substance.

V.

The tax is not against the United States.

A. Neither directly nor indirectly will the United States pay the tax if sustained.

B. Every increase in the price of commodities and services decreases the net income of government personnel. But this does not authorize the government to prohibit the increase. The tax here may result in an increase in the rent of government personnel but that is not sufficient to condemn it.

VI.

The United States is paid for sewage disposal and other usual governmental services it furnished the petitioner. Respondents are entitled to fare as well.

ARGUMENT

I.

The United States does not have exclusive jurisdiction of the land leased.

A. Part of the Land Was Not Purchased.

Some forty-eight acres of the leased land were donated to the United States by the Omaha Chamber of Commerce, Inc. Article I, Section 8, Clause 17 of the Constitution of the United States provides that the Congress shall have the power "To exercise exclusive legislation in all Cases whatsoever * * * over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Dock-yards, and other Needful Buildings,"

The consent of the Legislature of Nebraska to the acquisition here is supposed to be contained in the general Nebraska consent statute. Sec. 72-601, R. R. S. 1943 (Neb.) (Appendix p. 24.)

Clearly it would seem that the Legislature of Nebraska consented only to an acquisition by purchase. Purchase in this connection has been held to mean to acquire for a price. *Crook v. Old Point Comfort Hotel Company*, 54 Fed. 604. So it is submitted that this Court could properly hold that as to the donated land, the jurisdiction of the State of Nebraska is concurrent with that of the United States. If this result is reached, then are the respondents by taxing the petitioner, impairing any effective use being made of the property by the United States? It is submitted that they are not. The United States is simply leasing the property to a private corporation. The United States will receive no less rent if the tax is sustained.

The case of *United States v. Unzeuta*, 281 U. S. 138 (1930), cited by petitioner (Br. 20), has no bearing on this proposition as the land involved in that case was ceded under a specific cession statute, and the cession was of the specific land contained in the military reservation of Fort Robinson. The cession was made without regard to the manner in which th United States had acquired title to the Fort Robinson land (Laws of Nebraska, 1887, Chapter 83, Appendix p. 25). It should be noted that the general consent statute, supra, was an Act of 1883. It may well be that the very reason that the 1887 specific cession statute as to the Fort Robinson land was thought to be necessary was because that land was not purchased.

B. The Housing Units Are Not Forts, Magazines, Arsenals, Dock-yards and Other Needful Buildings.

For the time being the housing units are presumably occupied exclusively by Air Force personnel. But this need not always be. The lease permits their occupancy under certain situations exclusively by nonmilitary tenants. Should this come to pass, the true status of these units would be highlighted. They are merely private housing units operated for profit by a private corporation and it is fallacious to use the employment of their occupants as a yardstick for their classification.

But there is authority for the proposition that even though occupied exclusively by military personnel, such units are not within the constitutional classification. *Tampa Bay Garden Apartments, Inc. v. Gay*, 55 So. 2nd 739. There, as here, a private corporation had constructed housing units on government land which units it was renting to military personnel. The State of Florida imposed a sales tax on the rentals and the tax was resisted on the grounds that the housing units were on land within the exclusive jurisdiction of the United States. The Court held the tax to be valid and ruled that such units did not come within the constitutional classification of "Forts, Magazines, Arsenals, Dock-yards and Other Needful Buildings."

II.

Exclusive jurisdiction should not preclude the tax here.

In his dissenting opinion in *Pacific Coast Dairy, Inc. v. Department of Agriculture of California*, 318 U. S. 285, Mr. Justice Frankfurter stated:

> "The power given to Congress by Article I, Section 8 of the Constitution, to 'exercise exclusive legislation' over federal enclaves is not so tyrannical as to preclude in law what good sense requires."

Respondents respectfully suggest that the doctrine of *Surplus Trading Company v. Cook*, 281 U. S. 647, seems strangely alone in an era when there is left but remnants of former doctrines of inter-governmental tax immunity.

III.

Congress has consented to the imposition of the tax.

A. Specifically in the 1947 Military Leasing Act.

The Wherry Military Housing Act, Act of August 8, 1949, 63 Stat. 570 (Appendix p. 26), gave no new authority to lease government property. It provided in part:

> "Whenever * * * it is desirable to lease real property within the meaning of the act of August 5, 1947 (61 Stat. 774), to effectuate the purposes of this title, the Secretary concerned is authorized to lease such property under the authority of said Act * * *."

So the lease here was in fact made under authority granted in the Military Leasing Act of 1947, Act of August 5, 1947, 61 Stat. 774 (Appendix p. 22). The first sentence of Section 6 of the 1947 Act is as follows:

> "The lessee's interest, made or created pursuant to the provisions of this Act, shall be made subject to state or local taxation."

Respondents submit that this is a consent by Congress to the taxation of the property of the petitioner. *Fort Dix Apartments Corp. v. Borough of Wrightstown*, 225 F 2nd 473; *Meade Heights, Inc. v. State Tax Commis-*

sioner, 95 At. 2nd 280. Such also was the holding below.

The first sentence of the opinion in the Meade Heights case states that housing units were constructed on land "over which the Federal Government has exclusive jurisdiction." The lease in that case provided that the housing units remained the property of Meade Heights, Inc., unless not removed at the termination of the lease. Otherwise the facts in that case and this case are almost identical. Maryland taxed the buildings to Meade Heights, Inc., and the tax was sustained. The Court held that the provisions of the 1947 Military Leasing Act were a consent by Congress to such taxation:

> "In the instant case Congress has definitely consented to the taxation of lessee's interest, whatever that may be."

There is a provision in the 1947 Leasing Act which, with exceptions, limits the term of leases made thereunder to five years. Also, leases made thereunder are to be revocable in case of national emergency. The Wherry Act provides that leases for housing under the authority of the 1947 Act are to be made without regard to these two limitations. This clearly demonstrates that Congress in drafting the Wherry Act carefully reviewed the 1947 Act and made inapplicable any provisions thereof that it did not want to apply to leases made for housing. It is noteworthy that it did not say that Section 6 of the 1947 Act was not to apply. The conclusion must be that it does.

Petitioner argues that Section 6 of the 1947 Act is merely a consent to the taxation of the value of leasehold interests in government property located on land

without the exclusive jurisdiction of the United States. It can be very easily demonstrated that this analysis is incorrect. Petitioner in its brief has set out sufficient of the debates in committee to show that there was general agreement that any immunity from taxation should be waived so that the prospective lessees would be on the same footing taxwise as their competitors operating on nonfederal property. The objective sought was the avoidance of unfair competition. Certainly this evil would have been as prevalent where there was exclusive jurisdiction as where there was not. Also unfair competition would not be avoided by permitting the taxation of the value of the leasehold only and leaving lessee's property brought on the leased premises immune.

Section 6 of the 1947 Act is a consent to the taxation of the value of the leasehold of government-owned property and to the taxation of property of lessee on the leased premises—whether there is exclusive jurisdiction or whether there is not. This is the only possible interpretation that can be made if the objective sought by Congress is to be carried out.

B. Impliedly by Authorizing the Lease.

Assuming that the United States prior to the leasing to Offutt Housing Company of the land upon which the housing units were erected, had exclusive jurisdiction of the leased area, it is the position of respondents that such exclusive jurisdiction does not now exist. Petitioner relies upon *Surplus Trading Company v. Cook*, 281 U. S. 647. That case involved a quantity of blankets which were stored in an army storehouse within Camp Pike, Ar-

kansas. The blankets had been purchased by Surplus Trading Company, a New York concern, and Arkansas attempted to tax them as personal property. The Supreme Court of Arkansas upheld the tax, and this Court reversed. This Court there held that Article I, Section 8, Clause 17 of the Constitution of the United States prevented the taxation of private personal property located within the confines of a Military Reservation. This case differs from Surplus Trading Company v. Cook, in that in the Surplus Trading Company case, no lease of the land to a private corporation was involved.

It seems clear to respondents that the United States government should not be considered to have exclusive jurisdiction over something it has leased to a private, profit-seeking corporation for a term of seventy-five years; that Congress by the act of authorizing such a lease impliedly waived the immunity against taxation that is contended for.

A somewhat analogous situation arose in the case of *S. R. A. v. Minnesota*, 327 U. S. 558. That case involved realty conveyed to the United States in 1867 as a site for a building to house a post office, a customs office and offices for various departments and agencies of the United States. The building was eventually vacated and the property sold in 1939 by the Director of Procurement of the Department of the Treasury under the authority of an act for the disposal of surplus Federal real estate.

It was purchased on public sale and improved by S. R. A. who was in full possession with right of user under an executory contract of sale between it and the

United States at the time of the levy of the tax. The contract provided for a cash payment and annual installments. Possession by S. R. A. was provided for so long as it met the terms of the contract, and if it defaulted, the contract provided for repossession by the United States, retention of the purchase price paid, and the United States was authorized to resell the realty and recover any resulting deficiency from S. R. A. All obligations due under the contract had been met. The major portion of the contract price had not fallen due, and was unpaid. The contract permitted leases to others in subordination to the rights of the United States. The contract required the United States to execute and deliver a quit claim deed for the realty to S. R. A. upon its completion of the requirements of the contract. The title remained in the United States.

The State had ceded jurisdiction over the realty in accordance with the exclusive legislation clause of the United States Constitution. Article I, Section 8, Clause 17.

With the ownership of the property in the status described, Minnesota levied taxes for general and special purposes on the property. This Court sustained the tax. There were no specific words in the contract with S. R. A. which were intended to retain sovereignty in the United States. There was no express retrocession by Congress to Minnesota such as sometimes occurs. There was no requirement in the act of cession for return of sovereignty to the state when the property was no longer used for Federal purposes. This Court said:

> "In the absence of some provision, a transfer of property held by the United States under state cessions pursuant to Article 1, Section 8, Clause 17, of the Constitution would leave numerous isolated islands of Federal jurisdiction, unless the unrestricted transfer of the property to private hands is thought without more to revest sovereignty in the state. As the purpose of Clause 17 was to give control over the site of governmentals operations to the United States, when such control was deemed essential for Federal activities, it would seem that the sovereignty of the United States would end with the reason for its existence and the disposition of the property. We shall treat this case as though the government's unrestricted transfer of property to non-Federal hands is a relinquishment of the exclusive Legislative power. Recognition has been given to this result as a rule of necessity. If such a step is necessary, Minnesota showed its acceptance of a supposed retrocession by its levy of a tax on the property. Therefore, when petitioner entered into possession under its contract of purchase, the taxed property by the transfer became subject to the territorial jurisdiction of Minnesota."

If, then, the execution by the United States of the executory contract of sale reserving title in the United States worked a retrocession and gave the State territorial jurisdiction to tax, by the same token the execution by the United States of a seventy-five-year lease to Offutt Housing Company was a relinquishment of the exclusive legislative power which it is claimed gives immunity to this petitioner.

It is particularly noteworthy that no express retrocession by Congress was deemed necessary in S. R. A. vs Minnesota, supra. Petitioner insists that such is necessary (Br. 23-26-28-32-34). Also in *Fort Leavenworth*

Railroad Company v. Lowe, 114 U. S. 525, this Court said:

> "It (exclusive jurisdiction) is necessarily temporary, to be exercised only so long as the places continue to be used for the public purposes for which the property was acquired or reserved from sale. When they cease to be thus used, the jurisdiction reverts to the State."

C. Impliedly by Providing That the Acquisition of the Property by the Commissioner of Federal Housing Administration Should Not Render It Nontaxable.

This was the basis for the decision in *Sheridanville, Inc., v. Borough of Wrightstown*, 125 Fed. Supp. 743. The argument is that it could not have been the intention of Congress that the Commissioner of the Federal Housing Administration, in the event he should be obliged to take over the property, would be in a less preferred position with regard to local taxation than a private corporation such as the petitioner.

IV.

The tax was not imposed on property of the United States.

A. The Office Equipment and Household Appliances are Admittedly Owned by the Petitioner.

B. The Meager Interest of the United States in the Housing Units Is Not Sufficient to Prohibit the Taxation Thereof to Their Full Value.

On the assessment date in 1952, March 10,[1] the units were only 78% completed, and for that reason, if for no other, were not the property of the United States.

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1 77-1201, R. R. S. 1943 (Appendix p. 24).

Projects similar to this have been constructed throughout the country. A standard lease form was developed. It first provided (See *Meade Heights, Inc. v. State Tax Commissioner*, supra) that the housing units remained the property of the lessee removable by it at the expiration of the lease. After the decision in that case, the standard lease form was amended to provide (as the lease does here) that the housing units as completed become the property of the lessor. Obviously this change in the lease form was made to create a semblance of government ownership in the hope that local taxation could be avoided in that manner.

Respondents submit that to whom these housing units belong depends upon the intent of Congress as manifested in its Legislative Acts and not upon the intent of a draftsman in the Pentagon. On this the debates on the Wherry Housing Legislation are enlightening:

> "Mr. Monroney: 'It is strictly a private enterprise bill in which public construction is moved out and the whole matter is turned over to private enterprise.'
>
> "Mr. Johnson: ' * * * Here is the general plan we are working on in this bill * * *. Every person in the Army above the rank of Corporal gets an allowance for rent. * * * We propose to lease pieces of land to a contractor and allow him to build a house on that land. Then he is permitted to rent the house * * *. The occupant then pays the contractor, in substance, the commutation of rent that he gets which goes as an installment to pay on the house. In other words * * * we propose to have contractors build houses on military installations and pay the rental allowance provided by law for service personnel in the form of rent to the contractor, so that in 30 years * * * the house will be paid out

* * *. When the installments have been paid out to the contractor *the house and land become the property of the government.*'" (Emphasis supplied.) Congressional Record, Volume 95, Part 7, Pages 9683 ff., debate on Chapter 403, P. L. 211, Wherry Housing Act.

The President of the lessee corporation estimated the useful life of the building at 35 years, and stated: "I have always considered that any building that was 75 years old was not worth maintaining any farther than that." (R. 113)

The proceeds of the hazard insurance in case of loss are payable to lessee and not to the United States.

The lessee corporation in Exhibit 16 (R. 182, 102) asserted ownership of the housing units and in Exhibit 15 (R. 170, 101) attempted to mortgage them.

Personnel of the grade O-8 with dependents who live in this project, if any, draw a basic allowance for quarters of $171.00 per month. Over a period of seventy-five years, the united States under this arrangement would pay out $153,900.00 to an O-8 to live in a unit not costing in excess of $9,000, and which it is contended the United States owns. Yet in spite of this, petitioners state that these projects were constructed "at slight cost to the government" and were constructed under this arrangement as a matter of "government fiscal economy."

The title of the government under similar arrangements has been termed a "paper one," *Sheridanville, Inc., v. Borough of Wrightstown, et al.*, 125 Fed. Supp. 743, and a "bare title," *Gay v. Jemison*, 52 So. (2nd) 137 (Fla.). The Court below took a like view. *In Gay v. Jemison*, supra, the Court said:

> "Bearing in mind what we consider the evident intent of the Congress of the United States, and construing the language of the contract between the government of the United States and the lessee, we cannot arrive at the chancellor's conclusion that this housing project, when completed, will be a public work owned by the United States."

The feeble and meager interest the United States has in the housing units is not sufficient to prohibit their taxation. A substantial interest by way of reversion in dry-docks in favor of the United States and the retention of legal title by the United States of property sold under contract did not prohibit the taxation of these properties. *Baltimore Shipbuilding & Dry Dock Co. v. City of Baltimore*, 54 Atl. 623, 195 U. S. 375; *S. R. A. v. State of Minnesota*, 327 U. S. 558; *New Brunswick v. United States*, 276 U. S. 547.

In *United States v. Allegheny County*, 322 U. S. 174, this Court said:

> "We have held that where private interests in property were so preponderant that all the Government held was a naked title and a nominal interest, the whole value was taxable to the equitable owner."

Certainly if the United States ever had a naked title to anything it has such a title in the housing units here. The United States will be out of possession for 75 years and by that time there will be no buildings.

V.

The United States will not pay the tax if sustained.

A. The Tax Is Levied Against Petitioner.

The respondents made no attempt to tax the land which admittedly is owned by the United States. It did

not attempt to tax the value of the ground lease. It taxed only the personal property of petitioner. If the tax is sustained, it will have to be paid from the funds of the petitioner. In no way, directly or indirectly, is the tax against the United States.

B. That Indirectly, the Net Income of Government Personnel May Be Lessened by the Tax Does Not Condemn It.

The military personnel tenants who live in this project receive an allowance for quarters. This varies from $51.30 a month to $171.00 a month, depending on grade. Act of May 19, 1952, 66 Stat. 79 (Appendix p. 22). The tax here was $10,783.00. There are 611 units. So the tax for 1952 was about $18.00 per unit or $1.50 per month per unit.

If the tax is sustained and a rental increase is made because of this, the tenants will have to use a small additional part of their allowances with which to pay rent. They will have less net income. This same result would come if any of their other costs of living were increased. The adequacy of their salaries is a matter for Congress. The argument seems to be that Congress has not made adequate provision and that the respondents must assume a share of the burden.

VI.

Substantial services of Government are furnished to petitioner and its tenants.

The petitioner and its tenants have availed themselves of the services furnished by the State of Nebraska and Sarpy County. As stated in *Sheridanville, Inc. v. Borough of Wrightstown*, supra, it is true that there must

be a rendition of services to support a tax, but the fact that the resulting benefits are unequally shared does not invalidate the tax. *Thomas v. Gay*, 169 U. S. 264. The some 2400 people inhabiting this project create a great many more problems for Nebraska and Sarpy County than the blankets which were involved in *Surplus Trading Co. v. Cook*, supra.

Study of the project analysis (Ex. 13, R. 163, 87) will disclose that the FHA insured mortgage on the housing units was for 90% of the cost of the construction *as estimated by the sponsor*. Insuring a mortgage for 90% of what a prospective borrower says something will cost seems indeed a curious way to conduct the government's business. But that is not all. Included in this estimate is a fee to the builder of $285,750.00. The builder corporation, Carl C. Wilson, Inc., and the sponsor corporation, Offutt Housing Company, had the same president and were apparently for all practical purposes one and the same. The project analysis further shows that the petitioner expects to receive a gross annual income from the project of $476,786.00.

With this background on its part, the petitioner has the temerity to suggest that the very modest taxes here, if collected, would result in a raid on the federal treasury—a windfall. After it and its tenants have for five years used every service of government that the County of Sarpy and the State of Nebraska provide, petitioner now, almost arrogantly, it would seem, belittles the importance of such services and the cost of supplying them. It states that no school facilities are furnished by respondents. The record is clear that no taxes were levied for such purpose. It states that sewage disposal, water

and fire protection are provided by the United States. Here again the record is clear that no tax was levied for the furnishing of such services. The implication is that such services are furnished by the United States free of charge. This is not true. The United States is paid for any such services it furnishes. If the United States and petitioner are substantially one and the same, as contended by petitioner, why does the United States not furnish free water, free sewage disposal and free fire protection for this project? How can petitioner seriously contend that it and its tenants should have free use of the courts, the highways and the institutions of Nebraska, because of some claimed affinity with the United States? The United States treats petitioner like a stranger and charges it for any of the services of government that the United States provides.

CONCLUSION

For the foregoing reasons the judgment of the court below should be sustained.

Respectfully submitted,

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APPENDIX

1. Act of May 19, 1952, 66 Stat. 79, 37 U. S. C. 252 (f).

"Members of the uniformed services entitled to receive a basic allowance for quarters pursuant to this section shall be entitled to receive a basic allowance for quarters at the following monthly rates according to the pay grade to which assigned or in which distributed for basic pay purposes:

Pay grade	With dependents	Without dependents	Pay grade	With dependents	Without dependents
O-8	$171.00	$136.80	O-2	$94.20	$77.10
O-7	171.00	136.80	O-1	85.50	68.40
O-6	136.80	119.70	W-4	119.70	94.20
O-5	136.80	102.60	W-3	102.60	85.50
O-4	119.70	94.20	W-2	94.20	77.10
O-3	102.60	85.50	W-1	85.50	68.40

Pay grade	Not over 2 dependents	Over 2 dependents
E-7	$77.10	$96.90
E-6	77.10	96.90
E-5	77.10	96.90
E-4	77.10	96.90

Pay grade	1 dependent	2 dependents	Over 2 dependents
E-3	$51.30	$77.10	$96.90
E-2	51.30	77.10	96.90
E-1	51.30	77.10	96.90

2. Military Leasing Act of August 5, 1947, 61 Stat. 774, 5 U. S. C., Sec. 626 S-3.

"[Section 1] * * * Whenever the Secretary of War or the Secretary of the Navy [or the Secretary of the Air Force] shall deem it to be advantageous to the Government he is authorized to lease such real or personal property under the control of his Department as is not surplus to the needs of the Department within the meaning of the Act of October 3, 1944 (58 Stat. 765), and is not for the time required for public use to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the

public interest. Each such lease shall be for a period not exceeding five years unless the Secretary of the Department concerned shall determine that a longer period will promote the national defense or will be in the public interest. The Secretary of the Department concerned may include, among other terms and conditions in the lease, a right of first refusal in the lessee to purchase the property in the event of the revocation of the lease in order to permit sale thereof by the Government, but this section shall not be construed as authorizing the sale of any property unless the sale thereof is otherwise authorized by law. Each such lease shall contain a provision permitting the Secretary of the Department concerned to revoke the lease at any time, unless the Secretary shall determine that the omission of such provisions from the lease will promote the national defense or will be in the public interest. In any event each such lease shall be revocable by the Secretary of the Department concerned during a national emergency declared by the President. Notwithstanding section 321 of the Act of June 30, 1932 (47 Stat. 412; U. S. C., title 40, sec. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or service shall be furnished by the Department concerned to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the costs of furnishing any such utilities or services to the lessee was paid. Except as otherwise hereinabove provided, any money rentals received by the Government directly under any such lease shall be deposited and covered into the Treasury as miscellaneous receipts. The authority herein granted shall not

apply to oil, mineral, or phosphate lands. The Secretary of War or the Secretary of the Navy, as the case may be, shall submit to the Congress on the 1st day of January and the 1st day of July of each year, following the enactment of this law, a report of all leases entered into in accordance with the provisions of this Act.

"Sec. 6. The lessee's interest, made or created pursuant to the provisions of this Act, shall be made subject to State or local taxation. Any lease of property authorized under the provisions of this Act shall contain a provision that if and to the extent that such property is made taxable by State and local governments by Act of Congress, in such event the terms of such lease shall be renegotiated."

3. Sec. 72-601, R. R. S. 1943 (Neb.).

"The consent of the State of Nebraska is granted to the United States of America to purchase such grounds as may be deemed necessary in any city or incorporated town in the State of Nebraska, for the erection thereon of buildings for the accommodation of the United States circuit and district courts, post offices, land office, mints, or any other government office, and also for the purchase by the United States of such other lands within the State of Nebraska as the agents or authorities of the United States may from time to time select for the erection of forts, magazines, arsenal and other needful buildings."

4. Sec. 77-1201, R. R. S. 1943 (Neb.).

"A complete list of all personal property held or owned on March 10 of the year in which the assessment is being made, except motor vehicles, shall be made as follows:

"(1) Every person of full age and sound mind, being a resident of this state, shall list all his money, credits, bonds or stocks, shares of joint stock or other companies, if the capital stock of such company is

not assessed in this state, money loaned or invested, annuities, franchises, royalties and all other personal property, except motor vehicles;

"(2) He shall also list all money and other personal property invested, loaned or otherwise controlled by him as agent or attorney, or on account of any other person or persons, company, or corporation whatsoever and all money deposited subject to his order, check or draft, and credits due from any person or persons, body corporate or politic, whether in or out of the county;

"(3) The property of a minor child shall be listed by the following: (a) His guardian; (b) if he has no guardian, by his father, if living; (c) if his father is not living, by his mother, if living; and (d) if neither his father nor mother be living, by the person having such property in charge;

"(4) The property of any other person under guardianship, by his guardian or, if he has no guardian, by the person having charge of such property;

"(5) The property of a wife, by her husband, if he is of sound mind; if not, by herself;

"(6) The property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator;

"(7) The property of corporations whose assets are in the hands of a receiver or receivers, by such a receiver or receivers;

"(8) The property of corporations, by the president or the proper agent or officer thereof;

"(9) The property of a firm or company, by a partner or agent thereof; and

"(10) The property of manufacturers and others in the hands of an agent, by and in the name of such agent, as merchandise.

5. Laws of Nebraska, 1887, Ch. 83.

"Section 1. That the jurisdiction of the state of Nebraska in and over the military reservations known as Fort Niobrara and Fort Robinson be and the same are hereby ceded to the United States.

"Provided, That the jurisdiction hereby ceded shall continue no longer than the United Sttaes shall own and occupy said military reservations."

6. The Wherry Military Housing Act of August 8, 1949, 63 Stat. 570, 12 U. S. C. Sec. 1748.

"Sec. 805. Whenever the Secretary of the Army, Navy, or Air Force determines that it is desirable to lease real property within the meaning of the Act of August 5, 1947 (61 Stat. 774), to effectuate the purposes of this title, the Secretary concerned is authorized to lease such property under the authority of said Act upon such terms and conditions as in his opinion will best serve the national interest without regard to the limitations imposed by said Act in respect to the term or duration of the lease, and the power vested in the Secretary of the Department concerned to revoke any lease made pursuant to said Act in the event of a national emergency declared by the President shall not apply. Whenever the Secretary of the Army, Navy, or Air Force determines it to be in the interest of national defense, he is hereby authorized to sell, transfer, and convey at fair value (as determined by him), for use under this title, all or any right, title, and interest in any real property under his jurisdiction, notwithstanding any limitations or requirements of law with respect to the use or disposition of such property. The authority conferred by this section shall be in addition to and not in derogation of any other power or authority of the Secretary of the Army, Navy, or Air Force.

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"Sec. 807. Nothing in this title shall be construed to exempt any real property acquired and held

by the Commissioner under this title from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed."